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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/447,500	11/23/1999	ROBERT DAVID GRAHAM	003845.P0001	3902

7590 07/18/2006  
W. Scott Petty  
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191 Peachtree Street  
45th Floor  
Atlanta, GA 30303-1763

EXAMINER
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ARANI, TAGHI T

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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ROBERT DAVID GRAHAM

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EXAMINER

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ART UNIT

PAPER

20060702

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Commissioner for Patents

**DETAILED ACTION**

***Requirement For Information - 37 USC § 1.105***

1. Applicant and Assignee of this application are required under 37 CFR 1.105 to provide the following that the Examiner has determined is reasonably necessary to the examination of this application.

**Information Disclosure Statement**

M.P.E.P section 2004 (Aids to Compliance With Duty of Disclosure) recites the following:

13. It is desirable to avoid the submission of long lists of documents if it can be avoided. Eliminate clearly irrelevant and marginally pertinent cumulative information. If a long list is submitted, highlight those documents which have been specifically brought to applicant's attention and/or are known to be of most significance. See *Penn Yan Boats, Inc. v. Sea Lark Boats, Inc.*, 359 F. Supp. 948, 175 USPQ 260 (S.D. Fla. 1972), *aff 'd*, 479 F.2d 1338, 178 USPQ 577 (5th Cir. 1973), *cert. denied*, 414 U.S. 874 (1974). But cf. *Molins PLC v. Textron Inc.*, 48 F.3d 1172, 33 USPQ2d 1823 (Fed. Cir. 1995).

2. It is noted that the IDS of 07/25/2005 represents multiple *thousands* of pages of highly technical disclosure, which meets the test of a "long list". Moreover, a number of the references do not appear to be material to the patentability of the claimed invention, for example, consider

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the Shaddock et al. reference the IDS of 07/25/2005. The disclosure in Shaddock et al. appears non-analogous to the claimed invention, drawn to upgrading operating system on workstations. Therefore, the determination of whether or not references are material to the patentability appears to be an issue. The references cited in the IDS 07/25/2006 will not be considered until an *underlining* of the most relevant documents is provided, per M.P.E.P. 2004. Please do not delineate the references using a highlighter since the documents will be scanned and the highlighted sections will not be visible. Applicant's forthcoming assistance is gratefully anticipated.

A. Stipulate whether each and every individually cited reference listed on the IDS(s) submitted 07/25/2005 is material to the patentability of the instant application; the applicant may either *agree* or *disagree* for each cited reference.

1. Identify, for each and every citation listed on the IDS(s) submitted 07/25/2005, for which applicant *agrees* is material to the patentability:

- a. The differences between the claimed invention and those references cited therein,
- b. How each reference is material to the patentability, based upon the technical and legal knowledge of the Applicant, of the claimed invention,
- c. Provide how the instant claimed invention is an improvement over each and every reference that is listed in the IDS submission(s) dated 07/25/2005.

B. Provide a copy of any non-patent literature, published applications, or patent (US or Foreign) *used in drafting the instant application, whether cited or not* in the IDS submission(s) dated 07/25/2005.

C. Provide a copy of any non-patent literature, published application, or patent (US or Foreign) that was *used in the inventive process to accomplish the applicant's inventive results*.

D. Provide the date of first use of the claimed invention, known to by any of the inventors or Applicant, at the time the application was filed *notwithstanding* the date of use.

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E. Trademark(s) or Copyright(s) for the product(s) incorporating the instant claimed invention.

F. In order to constitute a complete response Applicant is required to include stipulations for each and every reference cited in the IDS submission(s) dated 07/25/2005 as well as each and every IDS submission thereafter, as delineated in requirement A.

3. This requirement is subject to the provisions of 37 C.F.R. 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 C.F.R. 1.136(a).

#### Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taghi T. Arani whose telephone number is (571) 272-3787. The examiner can normally be reached on 8:00-5:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Taghi T. Arani*

Taghi T. Arani, Ph.D.

*Primary Examiner*

*AU 2131*

*7/2/06*